IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

Con.Case(C).No. 1471 of 2007(S)

AGAINST THE JUDGEMENT/ORDER IN WPC.20295/2007 Dated 09/07/2007

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PETITIONER/PETITIONER

K.RAZIYABI, W/O MOIDEEN KOYA,
RESIDING AT 19/640 NAIBERS,
MANAMKULAMPARAMBA, CHALAPPURAM,
KOZHIKODE.

BY ADV. SRI.V.V.SURENDRAN
SRI.P.A.HARISH

RESPONDENTS: RESPONDENTS

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1. MONY, AGE AND FATHER'S NAME NOT KNOWN,
EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD,
KALLAI ELECTRICAL SECTION, KALLAI,
KOZHIKODE.

2. T.V.JAMES, AGED AND FATHER'S NAME
NOT KNOWN, ASSISTANT EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD,
KALLAI ELECTRICAL SECTION, KALLAI,
KOZHIKODE.

3. P.A.VIJAYAN, AGE AND FATHER'S NAME
NOT KNOWN, ASSISTANT ENGINEER,
KERALA STATE ELECTRICITY BOARD,
KALLAI ELECTRICAL SECTION, KALLAI,
KOZHIKODE.

4. CHANDRASEKHARAN, SECRETARY, KOZHIKODE CHETHU
THOZHILALI UNION, AYYAPPAN SMARAKA MANDIRAM,
NEAR SANGAM THEATRE, ANNIE HALL ROAD, CALICUT.

ADDL. RESPONDENT:

4. THE SUPERINTENDENT OF POLICE,
KOZHIKODE.

(ADDL. RESPONDENT IS IMPLEADED VIDE JUDGMENT.)

R1 TO 3 BY ADV. SRI.P.P.THAJUDEEN, SC
R4 BY ADV. SRI.MOHAMMED NIAS.C.P.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 03/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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C.O.C. No.1471 of 2007

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Dated this the 3rd day of December, 2007.

JUDGMENT

Superintendent of Police, Kozhikode is impleaded as additional respondent.

Counsel for KSEB submitted that inspite of request for Police protection, sufficient number of Police personnel were not provided and consequently connection could not be given to the petitioner on account of resistance by the 4th respondent. Even though counsel for 4h respondent submitted that matter is to be decided by ADM, I do not find any justification to withhold connection because the photographs produced in court clearly show that electric post is on the road side and petitioner's shop room is in front of it. Distance between the shop room and the electric post is at the maximum 3 or 4 metres. Even if 4th respondent has any property in between the electric post and the petitioner's shop room, still electric connection can be given through a weatherproof cable of short length drawn at a height. Even though matter is referred to ADM, it is for him to approve the proposal or to find alternate route. Even 4th respondent has not suggested any shorter route. Moreover, KSEB found that connection

should be given to the petitioner without any reference and based on Police protection ordered in the judgment. Therefore, it was the duty of the Police to give sufficient protection to give electric connection to the petitioner. In the circumstances, I direct the Superintendent of Police, Kozhikode to give sufficient police protection to the concerned officials of KSEB to give electric connection to the petitioner's shop room immediately, failing which contempt can be initiated against all concerned. The petitioner will produce copy of this judgment before the Superintendent of Police and Assistant Engineer of KSEB for compliance. However, the connection so given will be subject to decision of the ADM. This Contempt Case is closed leaving freedom to the petitioner to approach this court again.

Issue copy today itself.

C.N.RAMACHANDRAN NAIR
Judge

pms